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UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 08 2004

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TETSURO MOTOYAMA and AVERY FONG

Application No. 09/453,937

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on May 18, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Appellants filed the following Information Disclosure Statements (IDS's) :

- IDS filed April 9, 2001 (Paper No. 2)
- IDS filed September 13, 2002 (Paper No. 4)
- IDS filed September 15, 2003 (Paper No. 12)
- IDS filed December 29, 2003 (Paper No. 16)

It is not clear from the record whether the examiner considered the statement submitted or whether the examiner notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Accordingly, it is

ORDERED that the application is remanded to the examiner for consideration of the aforementioned IDS's, notification to appellants in writing of consideration and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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DMS/clm/dm
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